

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cr-78-RJC-DSC

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	60-DAY ORDER
)	
)	
MICHAEL MOORE,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on Defendant's pro se Amended Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody under 28 U.S.C. § 2255 [Doc. 74].

The Defendant filed a Motion to Vacate that contained serious deficiencies and the Defendant was granted the opportunity to amend. [Docs. 71, 73]. The Defendant has filed a superseding Amended Motion to Vacate that is now before the Court for initial review.¹ [Doc. 74]. The Court has conducted an initial screening of the petition under the Rules Governing § 2255 Proceedings, Rule 4(b) 28 U.S.C.A. foll. § 2255, and finds that: (1) the petition has been filed pro se under penalty of perjury; (2) the petition appears to be timely; and (3) Defendant has asserted a colorable claim for relief cognizable under § 2255(a). Upon consideration of the motion and the record of prior proceedings, the Court determines that the United States Attorney should file a response to Defendant's allegations.

The Court will direct that the United States file an answer or other responsive pleading to the Amended Section 2255 Motion to Vacate within sixty (60) days. Defendant may file a reply

¹ The Clerk will be instructed to terminate the original Motion to Vacate [Doc. 71], which has been superseded.

to the United States' response pursuant to Rule 5(d) of the Rules Governing Section 2255 Proceedings. The Court orders that any such reply must be filed within twenty-one (21) days of the filing of the United States' response.

IT IS, THEREFORE, ORDERED that:

1. The United States Attorney shall file an answer or other responsive pleading to Defendant's Amended Motion to Vacate, Set Aside, or Correct Sentence no later than **sixty (60) days** from the date of this Order.
2. Any reply filed by Defendant must be filed within **twenty-one (21) days** of the United States' response.
3. The Clerk is instructed to terminate the § 2255 Motion to Vacate [Doc. 71], which has been superseded.

Signed: November 7, 2024



Robert J. Conrad, Jr.
United States District Judge
